

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: HB1835 H1

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Bell

3. Committee: Courts of Justice

4. Title: Threats made against health care providers; penalty.

5. Summary: Under current law, orally making a threat to kill or to do bodily injury to a healthcare provider in a hospital or in an emergency room on the premises of a clinic or other facility rendering emergency medical care is punishable as a Class 1 misdemeanor. This bill removes the location requirement. The substitute bill defines health care as any act, professional services in nursing homes, or treatment performed or furnished, or which should have been performed or furnished, by any health care provider for, to, or on behalf of a patient during the patient's medical diagnosis, care, treatment or confinement, pursuant to § 8.01-581.1.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications: According to fiscal year (FY) 2017 through FY 2022 General District Court Case Management System (CMS) data provided by the Virginia Criminal Sentencing Commission (VCSC), 12 offenders were convicted of a Class 1 misdemeanor under § 18.2-60(B,ii) for orally threatening a health care provider engaged in his duties. This bill expands an existing Class 1 misdemeanor charge to cover health care providers in locations other than those currently specified under the law. Therefore, this proposal may increase the number of people sentenced to jail.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both. There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2022), the estimated total state support for local jails averaged \$40.39 per inmate, per day in FY 2021.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails, Commonwealth's Attorneys, Public Defenders offices, law enforcement agencies

10. Technical Amendment Necessary: No

11. Other Comments: None